

REMARKS

In the Final Office Action dated April 9, 2003, pending Claims 1-30 were examined and rejected. Applicant amends Claims 1, 9, 10, 21 and 26 and reserves the right to prosecute the former claims in a divisional or continuation application. Applicant respectfully requests reconsideration of pending Claims 1-30 in view of the claim amendments and at least the following remarks.

I. Claims Rejected Under 35 U.S.C. §102

The Patent Office previously rejected Claims 1, 2, 10, 16, 22 and 26 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,742,788 to Priem et al. ("Priem1"). Applicant respectfully traverses this rejection.

Applicant respectfully asserts that the Examiner has failed to adequately set forth a *prima facie* rejection under 35 U.S.C. §102(b). "Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, *arranged as in the claim.*" Lindemann Maschinenfabrik v. American Hoist & Derrick ("Lindemann"), 730 F.2d 452, 1458 (Fed. Cir. 1994)(emphasis added). Additionally, each and every element of the claim must be exactly disclosed in the anticipatory reference. Titanium Metals Corp. of American v. Banner ("Banner Titanium"), 778 F.2d 775, 777 (Fed. Cir. 1985).

In response to the Examiner's rejection of independent Claim 1, Applicant amends independent Claim 1 to include the following feature, which is neither nor suggested by either Priem1 or the references of record:

a controller to simultaneously copy updated data from the first frame buffer to both the second frame buffer and to the display monitor when the updated data is needed to refresh the display monitor. (Emphasis added.)

In contrast, the system taught by Priem1:

renders new data into an invisible frame buffer array of the array 42 from which data is never scanned to the display 48. (See col. 11, lines 5-9.) (Emphasis added.)

Furthermore, Priem1 also indicates:

once new data has been written to the first (invisible frame buffer) portion 43 of the array 42, the data therein may be transferred to the second (visible frame buffer) portion 44 from which information may be scanned to the display. (See col. 11, lines 21-25.)

Hence, Priem1 specifically prohibits the copying of data from the invisible frame buffer 43 to the display; namely, data is only scanned from visible frame buffer 44 to the display. Claim 1 describes a system wherein data refresh is performed with the contents of a second frame buffer. However, when data is updated within a first frame buffer, the controller simultaneously copies

updated data from the first frame buffer to both the second frame buffer and the display monitor as required by Claim 1.

Applicant submits that the invisible frame buffer 43 of the array 42, from which data is never scanned to the display, prohibits the Examiner from establishing a teaching or suggestion within Priem1 to the aforementioned controller, as required by Claim 1. To wit, the case law is quite clear in requiring that anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention. *Id.*

Therefore, for at least the reasons described above, Applicant respectfully submits that the Examiner is prohibited from establishing a *prima facie* rejection of Claim 1 under 35 U.S.C. §102(b). Accordingly, Applicant submits that for at least the reasons described above, Claim 1 is patentable over Priem1 as well as the references of record. Consequently, Applicant respectfully requests that the Examiner allow Claim 1.

Regarding Claims 2-8, Claims 2-8 depend from Claim 1 and therefore include the patentable claim features of Claim 1. Accordingly, for at least the reasons described above, Claims 2-8, based on their dependence from Claim 1, are patentable over the references of record. Therefore, Applicant respectfully requests that the Examiner allow Claims 2-8.

Regarding Claim 26, Claim 26 includes the following claim feature, which is neither taught nor suggested by either Priem1 or the references of record:

a controller to coordinate refresh of the display monitor using data stored in the second frame buffer and data updated within the first frame buffer, wherein the controller to simultaneously copy updated data from the first frame buffer memory to both the second frame buffer memory and the display monitor when the updated data is needed to refresh the display monitor. (Emphasis added.)

Conversely, Priem1 strictly prohibits the simultaneous scanning of data from invisible frame buffer 43 to both the visible frame buffer 44 and to the display monitor; namely, Priem1 is strictly limited to copying of data from the visible frame buffer to the display since data in the invisible frame buffer 43 is never written to the display. (See col. 11, lines 6-8.) Accordingly, Applicant respectfully submits that Claim 26, as amended, is patentable over Priem1, as well as the references of record. Consequently, Applicant respectfully requests that the Examiner allow Claim 26, as amended.

II. Claims Rejected Under 35 U.S.C. §103

The Patent Office previously rejected Claims 3, 11 and 27 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,742,788 to Priem et al. ("Priem1") as applied to Claim 1 and further in view of U.S. Patent No. 5,724,608 to Tohara ("Tohara") and further in view of U.S. Patent No. 5,543,824 to Priem et al. ("Priem2"). Applicant respectfully traverses this rejection.

Regarding Claim 3, Claim 3 depends from independent Claim 1 and therefore includes the patentable claim features as described above with reference to Claim 1. Applicant submits that the teachings of both Tohara as well as Priem2 do not rectify the deficiencies attributed to Priem1's failure to teach or suggest a controller for simultaneously copying updated data to both the second frame buffer and the display monitor, as required by Claim 1. Therefore, for at least the reasons described above, Claim 3, based on its dependence from Claim 1, is patentable over the references of record. Consequently, Applicant respectfully requests that the Examiner allow Claim 3.

Regarding Claim 11, Applicant submits that Claim 11 is dependent from Claim 9 and therefore includes the patentable claim features of Claim 9. Claim 9 is amended, to include a controller as described above with reference to Claim 1. As indicated above, the Examiner's citing of Tohara as well as Priem2 do not rectify the deficiencies attributed to Priem1 in order to render Claim 9 obvious over Priem1 in view of Tohara and further in view of Priem2. Accordingly, Claim 11, based on its dependency from Claim 9 is patentable over Priem1, Priem2, Tohara and the references of record. Therefore, Applicant respectfully requests that the Examiner allow Claim 11.

Regarding Claim 27, Claim 27 depends from Claim 26, and therefore includes the patentable claim features of Claim 26, as described above. Regarding the Examiner's citing of Tohara, as well as Priem2, Applicant respectfully submits that both Tohara and Priem2 fail to rectify the deficiencies attributed to Priem1 in failing to teach or suggest the simultaneous copying of data from the first frame buffer to both the second frame buffer and to the display monitor, as required by Claim 26. Accordingly, Claim 26, for at least the reasons described above, is patentable over Priem1, Tohara and Priem2, whether viewed independently or in combination. Therefore, Claim 27, based on its dependency from Claim 26, is also patentable over Priem1, Tohara, Priem2 and the references of record. Consequently, Applicants respectfully request that the Examiner allow Claim 27.

The Patent Office previously rejected Claims 4-6, 12-15, 17-19, 21, 23, 25 and 28-30 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,742,788 to Priem et al. ("Priem1") as applied to Claim 1 and further in view of U.S. Patent No. 5,724,608 to Tohara ("Tohara") and further in view of U.S. Patent No. 5,543,824 to Priem et al. ("Priem2") as applied to Claim 3 and further in view of U.S. Patent No. 5,757,364 to Ozawa et al. ("Ozawa"). Applicant respectfully traverses this rejection.

Regarding Claims 4-6, Claims 4-6 depend from Claim 1, and therefore include, the patentable claim features of Claim 1 as described above. Furthermore, the Examiner's citing of Tohara, Priem2, as well as Ozawa, fails to rectify the deficiencies attributed to Priem1's failure to describe a controller which enables simultaneous copying of updated data from the first frame buffer to both the display monitor and second frame buffer as required by Claim 1.

Conversely, Priem1, as well as Priem2, strictly prohibit the simultaneous scanning of data from both frame buffers to the display. This is directly in contrast to the controller as described with reference to Claim 1, which enables such simultaneous scanning.

Accordingly, for at least the reasons described above, Applicant respectfully submits that Claims 4-6, based on their dependency from Claim 1, are patentable over the references of record. Therefore, Applicant respectfully requests that the Examiner allow Claims 4-6.

Regarding Claims 12-14, Claims 12-14 depend from Claim 9, as amended. Claim 9 is amended to include a controller as described above with reference to Claim 1. This feature is directly in contrast and taught away from by both Priem1 and Priem2 based on the aforementioned prohibition of Priem1 and Priem2 against simultaneous scanning of updated data from the first frame buffer to both the second frame buffers and to the display. Accordingly, Claims 12-14, based on their dependency from Claim 9, are patentable over Priem1, Priem2, Tohara and Ozawa, whether viewed independently or in combination. Consequently, Applicant respectfully requests that the Examiner allow Claims 12-14.

Regarding Claim 15, Claim 15 includes the following feature, which is neither taught nor suggested by the references of record:

simultaneously copying updated data from the first frame buffer memory to both the second frame buffer memory and to the display monitor when the updated data is needed to refresh the display monitor. (Emphasis added.)

As indicated above, this feature is specifically taught away from in Priem1 by Priem1's prohibition against simultaneous copying or scanning of data from both frame buffers to the display monitor. Accordingly, based on the specific prohibit against dual frame buffer scanning, Applicant submits that Claim 15 is patentable over Priem1, Tohara, Priem2 and Ozawa, whether viewed independently or in combination. Consequently, Applicant respectfully requests that the Examiner allow Claim 15.

Regarding Claims 17-19, Claims 17-19 depend from Claim 15 and therefore include the patentable claim features of Claim 15 as described above. Accordingly, for at least the reasons described above, Claims 17-19 are patentable over the references of record. Consequently, Applicant respectfully requests that the Examiner allow Claims 17-19.

Regarding Claim 21, Claim 21 is amended to include analogous features to Claim 15 as described above in the form of a computer program product. Accordingly, for at least the reasons described above with reference to Claim 15, Applicant respectfully submits that Claim 21 is patentable over the references of record. Consequently, Applicant respectfully requests that the Examiner allow Claim 21.

Regarding Claims 23-25, Claims 23-25 depend from Claim 21 and therefore include the patentable claim features of Claim 21 as described above. Consequently, Applicant respectfully

submits that Claims 23-25 are patentable over the references of record. Therefore, Applicant respectfully requests that the Examiner allow Claims 23-25.

Regarding Claims 28-30, Claims 28-30 depend from Claim 26, and therefore include the patentable claim features of Claim 26, as described above. Regarding the Examiner's citing of Tohara, Priem2 and Ozawa, Applicant respectfully submits that the cited references fail to rectify the deficiencies of Priem1's failure to teach simultaneous copying of updated data from the first frame buffer to both the second frame buffer and the display monitor, as required by Claim 26. Accordingly, Applicant respectfully submits that Claim 26, as amended, is patentable over Priem1, Tohara, Priem2 and Ozawa, as well as the references of record, whether viewed independently or in combination. Accordingly, Claims 28-30, based on their dependency from Claim 26, are also patentable over Priem1, Tohara, Priem2, Ozawa and the references of record. Consequently, Applicant respectfully requests that the Examiner allow Claims 28-30.

The Patent Office rejects Claims 7-9 and 20 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,742,788 to Priem et al. ("Priem1") as applied to Claim 1 and further in view of U.S. Patent No. 5,790,138 to Hsu ("Hsu"). Applicant respectfully traverses this rejection.

Regarding Claims 7 and 8, Claims 7 and 8 are dependent from Claim 1 and therefore include the patentable claim features of Claim 1, as described above. Regarding the Examiner's citing of Hsu, Applicant respectfully submits that Hsu fails to rectify the deficiencies attributed to Priem1 in failing to teach or suggest simultaneous copying of updated data from the first frame buffer to both the second frame buffer and the display, as required by Claim 1, as amended. Accordingly, based on their dependency from Claim 1 and for at least the reasons described above, Applicant respectfully submits that Claims 7 and 8 are patentable over the references of record. Consequently, Applicant respectfully requests that the Examiner allow Claims 7 and 8.

Regarding Claim 9, Claim 9 is amended to include a controller feature as described above with reference to Claim 1. As indicated, this controller enables simultaneous copying of updated data from the first frame buffer memory to both the second frame buffer memory and the display in violation of the stated prohibition of Priem1 from prohibiting simultaneous scanning of data from both portions of the buffer array to the display monitor.

Consequently, for at least the reasons described above, Claim 9, as amended, is patentable over the references of record. Therefore, Applicant respectfully requests that the Examiner allow Claim 9.

Regarding Claim 20, Claim depends from Claim 15, and therefore includes the patentable claim features of Claim 15, as described above. Regarding the Examiner's citing of Hsu, Applicant respectfully submits that Hsu fails to rectify the deficiencies attributed to Priem1 in failing to teach or suggest simultaneous copying of updated data from the first frame buffer to both

the second frame buffer and the display, as required by Claim 15, as amended. Accordingly, Claim 15, as amended, is patentable over Prieml, Hsu and the references of record.

Consequently, Claim 20, based on its dependency from Claim 15, and for at least the reasons described above, is also patentable over Prieml, Hsu and the references of record. Therefore, Applicant respectfully requests that the Examiner allow Claim 20.

CONCLUSION

In view of the foregoing, it is believed that all claims now pending (1) are in proper form, (2) are neither obvious nor anticipated by the relied upon art of record, and (3) are in condition for allowance. A Notice of Allowance is earnestly solicited at the earliest possible date. If the Examiner believes that a telephone conference would be useful in moving the application forward to allowance, the Examiner is encouraged to contact the undersigned at (310) 207-3800.

If necessary, the Commissioner is hereby authorized in this, concurrent and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2666 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17, particularly, extension of time fees.

Respectfully submitted,
BLAKELY, SOKOLOFF, TAYLOR, & ZAFMAN LLP

Dated: November 21, 2003

By: _____

Joseph Lutz, Reg. No. 43,765

12400 Wilshire Boulevard
Seventh Floor
Los Angeles, California 90025
(310) 207-3800

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P.O. 1450, Alexandria, VA 22313-1450 on November 21, 2003.

Marilyn Bass
Marilyn Bass

November 21, 2003